

# EXHIBIT 6

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION  
Civil Action No. 04-40092-FDS

LOUIS P. ALBERGHINI, )  
Plaintiff, )  
VS. )  
SIMONDS INDUSTRIES, INC., )  
Defendant. )

DEPOSITION OF JOHN W. JORDAN, taken at the request of the Defendant pursuant to the applicable provisions of the Federal Rules of Civil Procedure before Julie A. Bates, a Notary Public in and for the Commonwealth of Massachusetts, on Thursday, March 10, 2005, at the offices of Bowditch & Dewey, 311 Main Street, Worcester, Massachusetts. Also present: Ilda Thibodeau and Attorney David Witman and Attorney David Felper.

A P P E A R A N C E S:

FOR THE PLAINTIFF:  
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PROCEEDINGS

**JOHN W. JORDAN**, a witness called to testify by counsel for the Defendant, having been first duly sworn, was examined and testified as follows:

EXAMINATION BY MR. SIGEL:

Q. Good afternoon, Mr. Jordan. My name is Jonathan Sigel, and as you know I represent Simonds Industries --

A. Uh-huh (affirmative response).

Q. -- in this case. We're -- as you also know, Mr. Alberghini has brought a claim for age discrimination.

MR. SIGEL: First of all, can we just agree to usual stipulations?

MS. ELLIOTT: Correct.

Q. And you will have an opportunity if you want to review your deposition and sign your deposition and make any changes on the errata sheet which you deem necessary.

Do you have any health condition or are you taking any medication --

A. No.

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Q. -- okay. Maybe I should have started with the ground rules. But if you could let me finish the question --

A. Oh, sure. I thought you had.

Q. -- before you answer. And don't hesitate to ask me to repeat a question if you want to.

A. Okay.

Q. Or for clarification. I'm not trying to confuse you in any way. Your only job is to give your testimony to the best of your memory and truthfully. If you want a break at any time, don't hesitate to mention that as well. So my question is, do you have any health condition, or are you taking any medication that would impair your memory or ability to testify truthfully at this deposition?

A. No.

Q. Thank you. Mr. Jordan, how did you come to be involved with this case?

A. Probably dates back to, I'm going to say, late 2001. I was contacted at some point



14:43:29 1 was less of an information flow regarding  
 14:43:32 2 profitability and more of an information flow  
 14:43:36 3 regarding cost control. Kind of a -- I mean  
 4 somewhat of a subtle change, I guess.  
 5 But many of the existing financial  
 14:43:46 6 documents that, you know, had been relied upon  
 14:43:50 7 for years on a monthly basis were now being  
 14:43:53 8 substituted by, you know, different type  
 14:43:55 9 documents. And again, the emphasis was more on  
 14:43:59 10 controlling costs within one zone -- sphere of  
 14:44:04 11 influence as opposed to looking at Fitchburg  
 14:44:07 12 plant profitability, which used to be a very  
 14:44:08 13 key -- previously was a very key measurement.  
 14:44:11 14 Q. So to what do you attribute the  
 14:44:18 15 change -- that change in emphasis that you just  
 14:44:20 16 described?  
 14:44:21 17 A. Well, one of the cornerstones, if  
 14:44:24 18 you will, of Ray Martino and his group's  
 14:44:27 19 management style was a focus on cost control,  
 14:44:33 20 year-to-year cost reductions, trying to really  
 14:44:39 21 control conversion costs, you know, as an  
 14:44:43 22 attempt to improve the bottom line. So there  
 14:44:46 23 was a tremendous amount of focus on conversion  
 14:44:50 24 cost control even to the extent that our bonus

18

14:44:53 1 plans were designed around it, for example, and  
 14:44:57 2 it was just given a lot of -- a lot more  
 14:45:02 3 emphasis than, I guess, previously.  
 14:45:03 4 Q. Did your bonus criteria to yourself  
 14:45:10 5 change beginning in January of 2001 when you  
 14:45:12 6 changed positions?  
 14:45:15 7 A. Yes, because the old bonus plan was  
 14:45:20 8 based on gross profit at the Fitchburg facility  
 14:45:22 9 plus some inventory goals. And again, the  
 14:45:26 10 hourly bonus plan -- and to the best of my  
 14:45:30 11 recollection all bonus plans -- were now -- but  
 14:45:33 12 the drivers were now cost reduction.  
 14:45:37 13 Q. Cost reduction company wide as  
 14:45:39 14 opposed to just Fitchburg?  
 14:45:41 15 A. I think -- I'm sure there were --  
 14:45:46 16 yes, just Fitchburg, that I'm aware of. I'm  
 14:45:48 17 sure there were, you know, corporate plans for  
 14:45:50 18 corporate people, but it was Fitchburg based.  
 14:45:55 19 Q. When you were plant manager, did you  
 14:46:00 20 have access to company-wide financial  
 14:46:01 21 information?  
 14:46:02 22 A. Yes. I'd get the so-called monthly  
 14:46:05 23 book that had financial statements from the  
 14:46:09 24 other facilities as well as Fitchburg.

30 sheets

14:46:13 1 Q. And --  
 14:46:14 2 A. I can't say that I spent a lot of  
 14:46:16 3 time studying the other facilities, but yeah,  
 14:46:18 4 they were available.  
 14:46:19 5 Q. And how about after your position  
 14:46:25 6 changed from plant manager? Did you have the  
 14:46:27 7 same access to company-wide information?  
 14:46:30 8 A. No.  
 14:46:35 9 Q. After the layoffs in January of  
 14:46:42 10 2000, are you aware of any subsequent layoffs  
 14:46:47 11 at the company during the remainder of your  
 14:46:47 12 employment?  
 14:46:48 13 A. Yes.  
 14:46:50 14 Q. And if you could just describe all  
 14:46:52 15 of those for me.  
 14:46:56 16 A. During -- after 2000 but before I  
 14:46:58 17 left?  
 14:46:59 18 Q. Correct. After January of 2000 but  
 14:47:02 19 prior to your leaving the company.  
 14:47:05 20 A. Well, I'm certainly aware of the Lou  
 14:47:12 21 Alberghini, Bill Baker, Barry Brown layoffs  
 14:47:16 22 in -- was it May of 2001 --  
 14:47:18 23 Q. Right.  
 14:47:19 24 A. -- why we're here. Others? There

20

14:47:25 1 was a Steve Grueitz (phonetic spelling) in  
 14:47:28 2 customer service. There may have been some --  
 14:47:32 3 you know, I'm not -- I suspect there were some  
 14:47:35 4 possibly in data processing or inside sales of  
 14:47:38 5 the financial area that I'm -- can't really  
 14:47:43 6 recall. But -- yeah, I suspect there were some  
 14:47:47 7 in pretty much every aspect of the business.  
 14:47:50 8 Q. And are you -- when you say that,  
 14:47:53 9 are you talking about Fitchburg only or  
 14:47:55 10 company-wide?  
 14:47:59 11 A. Well, there were definitely some  
 14:48:01 12 moves at the plant in Ohio, the plant in  
 14:48:06 13 Michigan, so I would say it was company wide  
 14:48:10 14 without being able to necessarily recall names.  
 14:48:10 15 Q. Okay. So in the Fitchburg facility,  
 14:48:15 16 do you recall, as you sit here today, any  
 14:48:18 17 layoffs between Mr. Larson's layoff, for  
 14:48:21 18 example, in January of 2000 and  
 14:48:24 19 Mr. Alberghini's initial layoff at that time,  
 14:48:26 20 and Mr. Alberghini's subsequent layoff in May  
 14:48:29 21 of 2001?  
 14:48:31 22 A. Between?  
 14:48:32 23 Q. Between --  
 14:48:34 24 MS. ELLIOTT: Which between are you



14:48:34 1 referring to?

14:48:35 2 THE WITNESS: Yeah. I understand

14:48:36 3 the time frame.

14:48:37 4 MS. ELLIOTT: I don't.

14:48:38 5 MR. SIGEL: Okay. Between January

14:48:39 6 of 2000 and May of 2001.

14:48:41 7 MS. ELLIOTT: Okay.

14:48:42 8 A. Let's see. There was a reduction

14:48:43 9 of -- I want to make sure I'm -- there was a

14:48:44 10 reduction of the unit manager, Todd, and --

14:48:45 11 prior to that, I believe. Again, I'm not sure

14:48:46 12 about all the -- you know --

14:48:47 13 Q. Todd Darling?

14:48:48 14 A. Todd Darling, yeah. I'm not sure

14:48:49 15 about all the other -- again, there might have

14:48:50 16 been some finance or data processing or inside

14:48:51 17 sales that I'm not aware. I mean, I suspect

14:48:52 18 there were, but I don't really know.

14:48:53 19 Q. Did you have any involvement in any

14:48:54 20 of the decision regarding layoffs that occurred

14:48:55 21 after January of 2000?

14:48:56 22 A. No.

14:48:57 23 Q. Were you asked for your input

14:48:58 24 regarding any of those layoffs?

22

14:49:00 1 A. After?

14:49:01 2 Q. Yes. After January of 2000.

14:49:02 3 A. No.

14:49:03 4 Q. So you had no input into the

14:49:04 5 decision to lay Mr. -- lay off Mr. Alberghini

14:49:05 6 in May of 2001?

14:49:06 7 A. No.

14:49:07 8 Q. Did you have any knowledge of the

14:49:08 9 reasons for his layoff in May of 2001?

14:49:09 10 A. No.

14:49:10 11 Q. In your opinion, were the layoffs

14:49:11 12 which occurred after January of 2000 and prior

14:49:12 13 to your leaving the company based on legitimate

14:49:13 14 reasons?

14:49:14 15 A. I don't have a comment on that.

14:49:15 16 Q. So you can't say either way?

14:49:16 17 A. Legitimate is kind of a value

14:49:17 18 judgment. Company had embarked on some

14:49:18 19 downsizing, so be it. It's not important

14:49:19 20 whether I thought it was correct or legitimate.

14:49:20 21 Q. Well, did you agree with their

14:49:21 22 decisions regarding downsizing?

14:49:22 23 MS. ELLIOTT: Which time frame are

14:49:23 24 you referring to?

14:51:14 1 Q. Any time after January of 2000 until

14:51:15 2 you left.

14:51:16 3 A. Agree? No. I can accept it. I

14:51:17 4 mean, again, this is a -- you know, a corporate

14:51:18 5 decision to downsize or right size the

14:51:19 6 organization.

14:51:20 7 Q. Do you know who the decision-makers

14:51:21 8 were regarding all of those layoffs?

14:51:22 9 A. I would assume it was held at the --

14:51:23 10 you know, the highest levels of the

14:51:24 11 corporation, Mr. Martino and Mr. Botticello.

14:51:25 12 You know, perhaps some involvement from Ilda.

14:51:26 13 I'm really not sure.

14:51:27 14 Q. But you don't know for sure.

14:51:28 15 A. No.

14:51:29 16 Q. Or the reasons that those

14:51:30 17 individuals were selected for layoffs?

14:51:31 18 MS. ELLIOTT: Which individuals are

14:51:32 19 you referring to?

14:51:33 20 MR. SIGEL: Again the time period is

14:51:34 21 people laid off after January of 2000 and prior

14:51:35 22 to the time you left the company.

14:51:36 23 A. The closest thing I ever heard to an

14:51:37 24 explanation about Alberghini, Brown, and Baker,

24

14:52:20 1 was at an impromptu meeting that Chip Holm, who

14:52:21 2 was now the vice president of manufacturing,

14:52:22 3 called, I believe, that -- the afternoon or the

14:52:23 4 very next morning after the three were let go.

14:52:24 5 And -- where he, number one I think it was a

14:52:25 6 courtesy to let the remaining staff know, you

14:52:26 7 know, before that -- maybe before the shop

14:52:27 8 floor knew, basically said that these three

14:52:28 9 people would be no longer with us.

14:52:29 10 He started to embark on an

14:52:30 11 explanation, but I think he came to the

14:52:31 12 conclusion that the less said, the better. I

14:52:32 13 mean, that's the way I interpreted it and we --

14:52:33 14 so -- I'd be hard-pressed to call it an

14:52:34 15 explanation. He basically said, you know,

14:52:35 16 "Lou, Barry, and Bill are no longer with us.

14:52:36 17 The engineering department now consists of

14:52:37 18 whoever is left," and that was pretty much it.

14:52:38 19 Q. Okay. Now, you were involved with

14:52:39 20 the reorganization and reduction in force which

14:52:40 21 occurred in January of 2000, right?

14:52:41 22 A. Yes.

14:52:42 23 Q. Do you have any personal knowledge

14:52:43 24 that Simonds intentionally discriminated on the



14:53:38 1 basis of age in doing those layoffs?  
 14:53:40 2 A. In 2000?  
 14:53:42 3 Q. Correct.  
 14:53:44 4 A. No.  
 14:53:46 5 Q. Do you have any personal knowledge  
 14:53:47 6 that the company discriminated against anyone  
 14:53:49 7 on the basis of age regarding any layoffs after  
 14:53:51 8 January of 2000?  
 14:53:53 9 A. No.  
 14:53:55 10 Q. Do you feel generally that the  
 14:53:57 11 layoffs, including January 2000 and those after  
 14:54:00 12 during your employment, were -- and I'm using  
 14:54:02 13 your words now -- painful but necessary?  
 14:54:04 14 A. Painful, yes. Necessary to achieve  
 14:54:06 15 the stated cost reduction goals. So yes.  
 14:54:08 16 Q. I want to show you a document and  
 14:54:10 17 I'm going to show you an original, what I  
 14:54:12 18 believe to be an original, Mr. Jordan, and ask  
 14:54:14 19 you to take a look at this.  
 14:54:16 20 A. Uh-huh (affirmative response).  
 14:54:18 21 Q. I'm going to mark it as Exhibit 1 to  
 14:54:20 22 your deposition today.  
 14:54:22 23 (Exhibit No. 1, Recap of termination  
 14:54:24 24 meetings; so marked.)

14:54:44 1 Q. Have you had a chance to review this  
 14:54:46 2 document?  
 14:54:48 3 A. Yes.  
 14:54:50 4 Q. Do you recognize it?  
 14:54:52 5 A. Yeah.  
 14:54:54 6 Q. What do you recognize it to be?  
 14:54:56 7 A. A recap of the termination meetings  
 14:54:58 8 with Mr. Alberghini, Mr. Larson, and  
 14:55:00 9 Mr. Bourque on January 7th of 2000.  
 14:55:02 10 Q. Is that your signature at the bottom  
 14:55:04 11 of the document?  
 14:55:06 12 A. Yes.  
 14:55:08 13 Q. Is that your original signature?  
 14:55:10 14 A. Yeah, I -- I think so. Yes.  
 14:55:12 15 Q. And did you write that document  
 14:55:14 16 yourself?  
 14:55:16 17 A. Yes.  
 14:55:18 18 Q. And did you sign it on January 10th,  
 14:55:20 19 2000?  
 14:55:22 20 A. Yes.  
 14:55:24 21 Q. Did you prepare it on January 10th,  
 14:55:26 22 2000?  
 14:55:28 23 A. Somewhere between the 7th and the  
 14:55:30 24 10th.

14:56:21 1 Q. Okay. And --  
 14:56:23 2 A. Wouldn't have been the 7th.  
 14:56:25 3 Probably the 10th, yeah.  
 14:56:27 4 Q. Okay. And are the statements  
 14:56:29 5 contained in that document true to the best of  
 14:56:31 6 your knowledge?  
 14:56:33 7 A. Yes.  
 14:56:35 8 Q. Why did you prepare that document?  
 14:56:37 9 A. I can't actually recall.  
 14:56:39 10 Documentation. Documentation of the  
 14:56:41 11 proceedings of the 7th.  
 14:56:43 12 Q. Was it your practice to document  
 14:56:45 13 exit interviews that you were involved with?  
 14:56:47 14 A. I'm going to say no. Maybe more  
 14:56:49 15 accurately, I don't know. It was the first --  
 14:56:51 16 it was the first such letter that -- memo to  
 14:56:53 17 file that I'd been involved in.  
 14:56:55 18 Q. Okay. But you don't remember why  
 14:56:57 19 you prepared it?  
 14:56:59 20 A. Why I prepared it? I assume someone  
 14:57:01 21 asked for, you know, document the events of the  
 14:57:03 22 7th and, you know, try to explain yourself and  
 14:57:05 23 Ilda's role and briefly recap the proceedings.  
 14:57:07 24 Q. I apologize if I asked you this

14:57:37 1 already, but is it your understanding that the  
 14:57:39 2 layoffs that affected employees in -- at  
 14:57:41 3 Simonds in January of 2000, were there layoffs  
 14:57:43 4 at that time in any other facilities that  
 14:57:45 5 you're aware of?  
 14:57:47 6 A. I'd strongly suspect there were  
 14:57:49 7 given that, you know, the layoffs were -- at  
 14:57:51 8 least in the Fitchburg facility were the result  
 14:57:53 9 of, you know, some strenuous, you know,  
 14:57:55 10 budgeting cost reduction efforts. I can only  
 14:57:57 11 assume it was going on at every plant. So I'm  
 14:57:59 12 going to say yes, but I'd be hard-pressed to,  
 14:58:01 13 you know, give names.  
 14:58:03 14 Q. Okay. If I could just direct your  
 14:58:05 15 attention to the third sentence in that first  
 14:58:07 16 paragraph.  
 14:58:09 17 A. Yeah.  
 14:58:11 18 Q. And ask if you could just explain  
 14:58:13 19 that, what you meant by that sentence.  
 14:58:15 20 A. The one that starts with "I  
 14:58:17 21 briefly"?  
 14:58:19 22 Q. Correct.  
 14:58:21 23 A. That the -- yeah. There was a  
 14:58:23 24 reorganization for cost control, and part of



14:58:52 1 the -- you know, part of the budgeting process.  
 14:58:55 2 And it wasn't, you know, performance related.  
 14:59:04 3 Q. And how long had there been  
 4 declining sales -- and by that you were  
 5 referring to the Fitchburg facility?  
 14:59:11 6 A. Yes.  
 14:59:12 7 Q. To your knowledge, how long had  
 14:59:14 8 there been declining sales at the company at  
 14:59:16 9 that time?  
 14:59:17 10 A. I can't recall. I know there were  
 14:59:19 11 some, you know, recessionary pressure on the  
 14:59:23 12 metal band industry, you know, throughout '99.  
 14:59:29 13 And again, you know, we were -- it was, you  
 14:59:32 14 know, the 1990 -- 2000 pro forma budget, given  
 14:59:37 15 the sales level and the increased cost was  
 14:59:42 16 unacceptable. And we were told -- myself and  
 14:59:46 17 John Keifer (phonetic spelling) and others were  
 14:59:48 18 told that we needed to try to get -- somehow  
 14:59:51 19 get about a million dollars out of the  
 14:59:55 20 Fitchburg budget for 2000.  
 14:59:57 21 Q. What were the rising costs?  
 5:00:01 22 A. Negotiated wage increases for the  
 5:00:05 23 hourly, probably steel, certainly energy. I  
 5:00:11 24 would say that would be the three.

30

5:00:14 1 Q. During your meeting with  
 5:00:16 2 Mr. Alberghini, did he tell you that he  
 5:00:19 3 believed he'd been discriminated against on any  
 5:00:22 4 basis?  
 5:00:23 5 A. During the meeting?  
 5:00:26 6 Q. Correct.  
 5:00:26 7 A. During the layoff?  
 5:00:26 8 Q. Exactly.  
 5:00:26 9 A. No.  
 5:00:26 10 Q. How about same question Mr. Larson?  
 5:00:29 11 A. No.  
 5:00:35 12 Q. At Mr. Alberghini's meeting, what do  
 5:00:40 13 you recall Ilda saying during that meeting,  
 5:00:44 14 Ms. Thibodeau?  
 5:00:45 15 A. Well, we basically, you know, I had  
 5:00:48 16 the job of breaking the news that the -- you  
 5:00:51 17 know, the position was eliminated, with a brief  
 5:00:55 18 explanation about, as I stated here that, you  
 5:00:58 19 know, it was economic in nature not  
 5:01:00 20 non-performance, and try to keep it pretty  
 5:01:05 21 businesslike and straightforward.  
 5:01:07 22 At that point, Ilda would, you know,  
 5:01:12 23 kind of take over, explain the severance  
 5:01:12 24 package, you know, get some, you know, perhaps

15:01:14 1 get some signatures. And we try to keep it  
 15:01:21 2 very businesslike and brief. It went on --  
 15:01:26 3 then we went on to talk about the, you know,  
 15:01:29 4 the fact that there were some openings in the  
 15:01:32 5 company and that, you know, if you'd like to be  
 15:01:37 6 considered for these positions, we urged them  
 15:01:39 7 to apply.  
 15:01:41 8 Q. And did Mr. Alberghini express any  
 15:01:45 9 interest in the positions you'd mentioned?  
 15:01:47 10 A. Yes. He expressed interest in the  
 15:01:49 11 project engineering position.  
 15:01:51 12 Q. And was that a position that had  
 15:01:54 13 recently been created or resurrected?  
 15:01:57 14 A. No. It was the result of a  
 15:02:00 15 resignation in the engineering department.  
 15:02:02 16 Q. And whose resignation was that?  
 15:02:05 17 A. Eric De Rivera.  
 15:02:07 18 Q. And what position did he hold --  
 15:02:10 19 what was his last position at the company?  
 15:02:12 20 A. I believe it was senior  
 15:02:13 21 manufacturing engineer.  
 15:02:14 22 Q. So he wasn't a project engineer.  
 15:02:19 23 A. His title was -- well, senior  
 15:02:22 24 manufacturing engineers do projects. I mean --

32

15:02:26 1 Q. Okay.  
 15:02:26 2 A. Yeah.  
 15:02:27 3 Q. And now I'm really asking about his  
 15:02:29 4 job title.  
 15:02:30 5 A. Yeah.  
 15:02:30 6 Q. It wasn't a project engineer, right?  
 15:02:32 7 A. No. It was senior manufacturing  
 15:02:34 8 engineer.  
 15:02:34 9 Q. When did he resign?  
 15:02:40 10 A. I don't recall. Late '99.  
 15:02:50 11 Q. So what happened to the duties of  
 15:02:53 12 his position, to the best of your memory? What  
 15:02:57 13 I mean by that is, did anyone assume those  
 15:03:02 14 duties?  
 15:03:03 15 A. I'm going to say the time frame was  
 15:03:06 16 relatively short, so he was -- Eric was pretty  
 15:03:17 17 much focussed on a product group that didn't  
 15:03:21 18 have an awful lot of activity going on other  
 15:03:25 19 than day-to-day. So I'm going to say that the  
 15:03:28 20 duties were left, you know, vacant until a  
 15:03:32 21 replacement was brought on board.  
 15:03:33 22 Q. Okay. So is it your testimony that  
 15:03:37 23 to the best of your memory, no one performed  
 15:03:39 24 any of his duties after he left the company?



15:34:19 1 engineer?

15:34:19 2 A. Yes.

15:34:19 3 Q. How is it different?

15:34:19 4 A. It's probably less in the machine

15:34:27 5 design side of it and more in the operation

15:34:33 6 side, costing, quoting, job evaluations, job

15:34:37 7 descriptions, incentive systems. But, you also

15:34:39 8 need to be proficient enough to go to the shop

15:34:42 9 floor and make improvements to equipments and

15:34:44 10 processes. So I functioned as a manufacturing

15:34:44 11 engineer.

15:34:46 12 Q. What's the difference between a

15:34:50 13 chemical engineer and a mechanical engineer?

15:34:54 14 A. Oh, I did -- again, if you're a

15:34:57 15 chemical engineer in a process industry, you

15:35:01 16 probably get your -- you know, you probably get

15:35:04 17 your hands dirty working on the process. That

15:35:07 18 could be tantamount to saying a metallurgist.

15:35:10 19 I mean, the metallurgists at Simonds get

15:35:12 20 involved in what I consider manufacturing

15:35:14 21 engineering because they know the metallurgical

15:35:17 22 sides of the situation. Therefore, they can

15:35:20 23 have a fair amount of input in machine design

15:35:20 24 and machine installation from that viewpoint.

54

15:35:26 1 Q. Is it important to have a background

15:35:28 2 in material science to do metallurgical work?

15:35:33 3 A. It's critical.

15:35:34 4 Q. Critical.

15:35:35 5 A. Yeah.

15:35:39 6 Q. What's the difference between a

15:35:43 7 mechanical engineer and project engineer? At

15:35:56 8 least as project engineer was used at Simonds.

15:35:59 9 A. I think they are very comparable.

15:36:03 10 Q. Could you be a -- strike that. When

15:36:09 11 you say someone's a mechanical engineer,

15:36:11 12 doesn't that generally -- isn't it generally

15:36:13 13 understood that they have a degree in

15:36:15 14 mechanical engineering?

15:36:16 15 MS. ELLIOTT: Objection.

15:36:19 16 A. Simonds has had non-degreed

15:36:21 17 mechanical engineers.

15:36:24 18 Q. Okay. And how about a chemical

15:36:29 19 engineer? Any understanding that -- what is

15:36:39 20 your understanding as to what the

15:36:43 21 qualifications are to be a chemical engineer?

15:36:49 22 A. Probably because I have -- I don't

15:36:54 23 have a lot of experience in it, but I -- again

15:36:54 24 I expect that would be a degreed position more

15:36:46 1 often than not.

15:36:47 2 Q. And how about being a mechanical

15:36:49 3 engineer? Is that a degreed position more

15:36:52 4 often than not in your experience?

15:36:54 5 A. More often than not.

15:36:55 6 Q. And is it advantageous to have a

15:36:57 7 mechanical engineering degree in order to be a

15:37:00 8 manufacturing engineer?

15:37:01 9 A. Can't hurt, yeah. It's -- yes, it

15:37:05 10 would be advantageous.

15:37:05 11 Q. And how about to be a product

15:37:07 12 engineer as that term was used at Simonds, if

15:37:10 13 you know what that phrase means. Same

15:37:16 14 question.

15:37:16 15 A. The question being would it be

15:37:18 16 advantage --

15:37:18 17 Q. Correct. Would it be advantageous

15:37:20 18 to have a mechanical engineering degree?

15:37:22 19 A. Yes.

15:37:29 20 Q. Mr. Alberghini wasn't responsible

15:37:31 21 for designing products during his employment up

15:37:34 22 to January of 2000, was he, to your knowledge?

15:37:37 23 A. No.

15:37:39 24 Q. And how about after January of 2000?

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15:37:44 1 A. I don't know.

15:38:01 2 Q. At some point in time you said that

15:38:04 3 he was -- actually for approximately a ten-year

15:38:08 4 period Mr. Alberghini was in what position? I

15:38:14 5 think you said from '91 to 2000.

15:38:16 6 A. Maintenance manager.

15:38:18 7 Q. Who reported to him in that

15:38:20 8 position? Do you know?

15:38:22 9 A. He had one direct report, Cary

15:38:26 10 Mansfield, maintenance foreman.

15:38:29 11 Q. And what did Mr. Mansfield do?

15:38:32 12 A. Well, he was basically the next step

15:38:35 13 down. He would have been the direct supervisor

15:38:39 14 of the crafts group, the trades and crafts

15:38:43 15 group. Doing, you know, typical foreman

15:38:48 16 things: Setting priorities, providing some

15:38:53 17 expertise and some direction to the work force,

15:38:59 18 getting involved with administering plant

15:39:01 19 rules, safety, the like.

15:39:03 20 There was also a -- he wasn't a

15:39:09 21 Simonds employee, but there was also a

15:39:11 22 housekeeping supervisor that was provided by an

15:39:13 23 off-site cleaning service which was essentially

15:39:18 24 a -- he wasn't on the Simonds payroll, but he



15:50:34 1 quality of his job performance?  
 15:50:42 2 A. **No. No, not really. I mean, I**  
 15:50:50 3 **assume it was acceptable.**  
 15:50:58 4 Q. You said that you know that he had a  
 15:51:06 5 mechanical engineering degree?  
 15:51:14 6 A. **I knew he was a Worcester Tech grad.**  
 15:51:22 7 **I wasn't sure about the degree.**  
 15:51:30 8 Q. Okay. Do you know about any of his  
 15:51:38 9 other qualifications?  
 15:51:46 10 A. **I know he was functioning as a kind**  
 15:51:54 11 **of a backup to the plant metallurgist who**  
 15:52:02 12 **was --**  
 15:52:10 13 Q. Is that Ernie?  
 15:52:18 14 A. **Yeah, Ernie. He was pondering**  
 15:52:26 15 **retirement. So I think he was trying to pick**  
 15:52:34 16 **up some of the process metallurgy aspects of**  
 15:52:42 17 **it.**  
 15:52:50 18 Q. Did you -- strike that. Do you know  
 15:52:58 19 whether Mr. Dexter had any education in  
 15:53:06 20 material science?  
 15:53:14 21 A. **I don't know.**  
 15:53:22 22 Q. But as you've testified before, you  
 15:53:30 23 thought that that would be critical to doing  
 15:53:38 24 metallurgical work?

15:51:55 1 A. **Yes.**  
 15:52:03 2 Q. And was Mr. -- and it's Evancic?  
 15:52:11 3 A. **Yeah.**  
 15:52:19 4 Q. Ernie Evancic?  
 15:52:27 5 A. **Yeah.**  
 15:52:35 6 Q. Was he still at Simonds when you  
 15:52:43 7 left the company in September of 2001?  
 15:52:51 8 A. **At least part-time. So yes. He was**  
 15:52:59 9 **still there.**  
 15:53:07 10 Q. Do you have any knowledge of the  
 15:53:15 11 quality of his job performance?  
 15:53:23 12 A. **Well, Ernie was one of the -- in the**  
 15:53:31 13 **group that I managed, one of the things that we**  
 15:53:39 14 **did from time to time need to call on was**  
 15:53:47 15 **metallurgical advice. And his performance was**  
 15:53:55 16 **outstanding.**  
 15:54:03 17 Q. And he wasn't laid off at any time,  
 15:54:11 18 right?  
 15:54:19 19 A. **I don't believe so, no.**  
 15:54:27 20 Q. Do you have any knowledge as to why  
 15:54:35 21 the company retained Mr. Evancic?  
 15:54:43 22 A. **He was the primary and only resource**  
 15:54:51 23 **of metallurgical knowledge that is very**  
 15:54:59 24 **critical to the Simonds product.**

15:53:17 1 Q. And do you know whether the company  
 15:53:25 2 valued his expertise?  
 15:53:33 3 A. **I certainly did. I believe he was**  
 15:53:41 4 **well regarded. He was certainly well regarded**  
 15:53:49 5 **by the manufacturing people.**  
 15:53:57 6 Q. Do you know Peter Duperry?  
 15:54:05 7 A. **Not really. I -- we overlapped for**  
 15:54:13 8 **a pretty short time.**  
 15:54:21 9 Q. Do you know what job he was hired to  
 15:54:29 10 do?  
 15:54:37 11 A. **One of the engineering positions. I**  
 15:54:45 12 **don't think we ever even spoke.**  
 15:54:53 13 Q. Do you have any knowledge of his  
 15:55:01 14 educational background?  
 15:55:09 15 A. **I think he was a Worcester Tech**  
 15:55:17 16 **grad, but I'm not -- that's just on hearsay.**  
 15:55:25 17 Q. Okay. Did you ever work with him at  
 15:55:33 18 all?  
 15:55:41 19 A. **No.**  
 15:55:49 20 Q. Did you ever work with Mr. Duperry  
 15:55:57 21 at all on any project -- I'm sorry, Mr. Dexter  
 15:56:05 22 on any projects? I misspoke.  
 15:56:13 23 A. **On a project? No. I don't -- no.**  
 15:56:21 24 **I'm going to say no.**

15:54:16 1 Q. Do you know what Mr. Duperry's  
 15:54:24 2 duties were for the company?  
 15:54:32 3 A. **Not exactly, no.**  
 15:54:40 4 Q. So with respect to Mr. Dexter,  
 15:54:48 5 Mr. Duperry, do you have any personal knowledge  
 15:54:56 6 of their qualifications to do their respective  
 15:55:04 7 jobs?  
 15:55:12 8 A. **Not beyond the fact that they**  
 15:55:20 9 **presumably held engineering degrees from**  
 15:55:28 10 **Worcester Tech.**  
 15:55:36 11 Q. Did you see those as valuable  
 15:55:44 12 qualifications to have in those positions?  
 15:55:52 13 A. **Oh, sure, yeah.**  
 15:56:00 14 Q. Do you know a gentleman by the name  
 15:56:08 15 of Salvatore Santoro?  
 15:56:16 16 A. **Yes.**  
 15:56:24 17 Q. Who is he?  
 15:56:32 18 A. **He was hired as, I believe, quality**  
 15:56:40 19 **control manager.**  
 15:56:48 20 Q. Do you know if he was hired into  
 15:56:56 21 that position originally?  
 15:57:04 22 A. **I believe so.**  
 15:57:12 23 Q. Was he in the engineering group?  
 15:57:20 24 A. **I'm not sure about the reporting**